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Stephanie A. Miner, Mayor

June 4, 2010

Hon. George H. Lowe
Magistrate Judge
Northern District of New York
United States Courthouse
P.O. Box 7336
100 South Clinton Street
Syracuse, New York 13261

SO ORDERED


George H. Lowe
U.S. Magistrate Judge

Dated: 6/7/2010
Syracuse, New York

Re: Mothersell v. City of Syracuse, et al.
Civil Action No.: 9:08-cv- 615

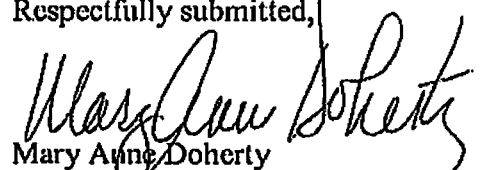
Dear Judge Lowe:

The parties have conferred regarding Defendants' request to substitute Mayor Miner and Police Chief Fowler in place of former Mayor Driscoll and former Police Chief Miguel as Defendants in this action. The parties have agreed that because Mayor Driscoll and Chief Miguel have been sued in their personal capacity they must remain parties to this lawsuit. Further, counsel has agreed that it is duplicative to substitute Mayor Miner and Chief Fowler into this action pursuant to FRCP 25(d) as any claim against them in their official capacity is included within the claims against the City of Syracuse. Therefore, we have agreed that former Mayor Driscoll and former Police Chief Miguel remain Defendants in this action sued in their personal capacity only.

Also, in Civil Rights actions against police officers, it has been my experience and past practice with Your Honor that you review the named Defendant police officers' personnel and discipline files *in camera* and then advise Defendants' counsel of the documents you deem discoverable. I have spoken with Plaintiff's counsel, Mr. Benno, regarding this practice and he is agreeable that, in order to move discovery forward, Your Honor be provided with the files for your review. Mr. Benno has also agreed to sign a confidentiality stipulation should the Court order disclosure of any documents.

Kindly advise counsel if this proposal is agreeable to you, and I will have the files delivered to your chambers.

Respectfully submitted,



Mary Anne Doherty
Senior Assistant Corporation Counsel